

REMARKS

Upon entry of this amendment, claims 11-15 are pending. By the present amendment, claim 11 has been amended for clarity.

At the outset, it is noted that the Information Disclosure Statement is objected to for failing to include copies of certain documents listed therein. Applicants have been requested to provide copies of the documents that have been crossed out in the PTO-1449. However, the Office Action did not include a marked-up copy of the PTO-1449. Therefore, the objection is not understood. The Examiner is respectfully requested to provide a marked-up version of the PTO-1449 for consideration.

The rejection of claims 11-15 under 35 U.S.C. §112, first paragraph is respectfully traversed. Without acquiescing in the rejection, claim 11 has been amended for clarity. The features alleged in the Office Action to lack support no longer appear in claim 11. Therefore the rejection is moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 11 and 13 under 35 U.S.C. §103(a) over Martin et al. (U.S. Patent No. 5,355,302, hereinafter "Martin") in view of Vogel et al. (U.S. Patent No. 6,151,077, hereinafter "Vogel") is respectfully traversed. Without acquiescing in the rejection, it is noted that claim 11 has been amended for clarity. Accordingly, the rejection will be discussed with respect to the amended claim.

As the Office Action correctly notes, there is no teaching or suggestion in Martin of the claimed feature of a plurality of remote control devices for the jukebox devices,

respectively, each of the remote controls being operable to control one of the jukebox devices when the jukebox device recognizes a control code transmitted from the remote control.

To overcome this fundamental deficiency of Martin, the Office Action cites Vogel as teaching such a remote control. This allegation in the Office Action is simply incorrect. Vogel is directed to an interface system for a television receiver. One embodiment of Vogel discloses use of a remote control for use with circuitry of the interface system that enables electronic messaging. At the outset, it is respectfully submitted that the application of Vogel to the claimed invention is improper. Vogel is directed to interface circuitry for a television system, while the claimed invention is directed to an interactive electronic jukebox system. In any event, even if, *arguendo*, the application of Vogel to the claimed invention were proper, there is no teaching or suggestion anywhere in Vogel of a jukebox that is operable to store the control code for use in comparing the control code sent by the remote control *or by the server via the distribution network* with the control codes stored on the jukebox to determine whether the jukebox will respond to control codes from the remote control, as specifically recited in the claims.

In complete and stark contrast, the claimed invention specifically recites a jukebox that is operable to store the control code for use in comparing the control code sent by the remote control *or by the server via the distribution network* with the control codes stored on the jukebox to determine whether the jukebox will respond to control codes from the remote control. There is no teaching or suggestion in either Martin (as conceded in the

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Office Action) or Vogel of this specifically claimed feature. As such, the combination of Martin and Vogel fails to establish a *prima facie* case of obviousness. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 12 and 15 under 35 U.S.C. §103(a) over Martin in view of Vogel, and further in view of Amano (U.S. Patent No. 4,807,052) is respectfully traversed.

It is respectfully submitted that Amano fails to overcome the fundamental deficiencies noted above with respect to the combination of Martin and Vogel. Therefore, even, *arguendo*, the proposed combination of references were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claim 14 under 35 U.S.C. §103(a) over Martin in view of Vogel and further in view of Nathan (U.S. Patent No. 6,308,204) is respectfully traversed.

It is respectfully submitted that Nathan fails to overcome the fundamental deficiencies noted above with respect to the combination of Martin and Vogel. Therefore, even, *arguendo*, the proposed combination of references were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

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Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

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